



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Department of Professional and Occupational Regulation
<b>VAC Chapter Number:</b>	18 VAC 40-21-10 18 VAC 40-20-10 18 VAC 55-22-10
<b>Regulation Title:</b>	Board for Barbers and Cosmetology Rules and Regulations Board for Barbers Rules and Regulations Board for Cosmetology Rules and Regulations
<b>Action Title:</b>	Pre-NOIRA
<b>Date:</b>	November 16, 2000

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

To promulgate regulations governing the licensure and practice of barbering and cosmetology.

To repeal regulations governing the licensure and practice of Cosmetology under 18 VAC 55-22-10 et seq. Board for Cosmetology Rules and Regulations.

To repeal regulations governing the licensure and practice of barbering under 18 VAC 40-20-10 et seq. Board for Barbers Regulations.

To comply with Acts 2000, c. 726, cl. 3 which provides: "That the regulations of the Board for Barbers and the Board for Cosmetology in effect on June 30, 2000 shall remain in effect until July

1, 2002, or until the Board for Barbers and Cosmetology adopts new regulations, whichever occurs first." In addition, Act 2000,c. 726, cl. 3 also repealed Chapter 12 (§§ 54.1-1200 through 54.1-1207) of Subtitle II of Title 54.1 of the Code of Virginia.

To promulgate regulations sub-regulating the licensure and practice of waxing in the Commonwealth of Virginia.

To promulgate regulations necessary to provide for and ensure that health and sanitary standards and safety are adequate in shops, salons, schools, and other facilities where barbering and cosmetology are practiced.

To review several provisions and simplify them thereby ensuring that the Board is meeting its statutory mandate to ensure minimal competence of all licensees without burdensome requirements.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

Per Section 54.1-201 of the Code of Virginia, the Board for Barbers and Cosmetology is proposing to repeal its existing regulations governing the practice of cosmetology in the Commonwealth of Virginia.

Section 54.1-201 of the Code of Virginia states that the Board “shall promulgate regulations necessary to carry out the purposes of this chapter.”

§ 54.1-201. Powers and duties of regulatory boards.

The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

2. To examine, or cause to be examined, the qualifications of each applicant for certification or licensure within its particular regulatory system, including when necessary the preparation, administration and grading of examinations.
3. To certify or license qualified applicants as practitioners of the particular profession or occupation regulated by such board.
4. To levy and collect fees for certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department of Professional and Occupational Regulation and the Board for Professional and Occupational Regulation.
5. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.
6. To ensure that inspections are conducted relating to the practice of each practitioner certified or licensed by the regulatory board to ensure that the practitioner is conducting his practice in a competent manner and within the lawful regulations promulgated by the board.
7. To revoke, suspend or fail to renew a certificate or license for just causes as enumerated in regulations of the board.
8. To receive complaints concerning the conduct of any person whose activities are regulated by the regulatory board and to take appropriate disciplinary action if warranted.
9. To promulgate canons of ethics under which the professional activities of persons regulated shall be conducted.

(1979, c. 408, § 54-1.28; 1983, c. 569; 1988, c. 765; 1993, c. 499.)

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

The Board proposes to promulgate regulations governing the practice of barbering and the practice of cosmetology in the Commonwealth of Virginia. The Board further proposes to real regulations governing the licensure and practice of Cosmetology under 18 VAC 55-22-10 and regulations governing the licensure and practice of barbering under 18 VAC 40-20-10.

This regulatory proposal will result in these regulations more closely mirroring the statutory authority set out in Section 54.1-700 of the Code of Virginia.

The Department supports this regulatory proposal because it will result in one set of regulations for the Board for Barbers and Cosmetology versus the two sets currently in use.

The proposal would also add the occupation of waxing. The Board would have the authority to examine, license and discipline those who choose to practice waxing in the Commonwealth of Virginia. This would be less burdensome in that cometology training and licensure would no longer be needed to practice waxing.

The proposal would incorporate sanitation and safety provisions necessary to protect the health, safety and welfare of the public. These provisions are the accepted standards by those licensed in the barbering and cosmetology professions in today's work environment.

## Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

Other regulations will be considered and may be rejected by the board in conjunction with industry professionals as more burdensome.

## Family Impact Statement

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for*

*oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The impact on families are estimated to be minimal or nonexistent.

There are approximately 44,000 individuals, 8000 businesses, and 3,000 examination candidates annually who will be affected by this proposal. The impact of changes on these regulants are estimated to be minimal.

The additional effort to add the wax removal occupation would be minimal. There is already a review process in place and we are not expecting an overwhelming number to apply for this specialty.